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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,827	07/06/2001	Barry H. Schwab	SFPF0002	8990
75671 7590 02/17/2009 Sadler, Breen, Morasch & Colby, ps 422 W. Riverside Ave, Suite 424 Spokane, WA 99201				
EXAMINER				
CHAN, RICHARD				
ART UNIT		PAPER NUMBER		
2618				
MAIL DATE		DELIVERY MODE		
02/17/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BARRY H. SCHWAB and JOHN G. POSA

Appeal 2009-3498
Application 09/900,827
Technology Center 2600

Mailed: February 17, 2009

Before DALE M. SHAW, *Chief Appeals Administrator*.

ORDER DISMISSING APPEAL

On December 6, 2007, Appellants filed a Notice of Appeal. On February 10, 2009, counsel for the Appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR ' 1.114. Pursuant to the notice entitled ARequest for Continued Examination Practice and Changes to Provisional Application Practice,@ 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR ' 1.114(d), a request for continued examination under 37 CFR ' 1.114 filed after appeal has been taken, but prior to a decision on the appeal, Awill be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner.@

Accordingly, it is

ORDERED that the appeal filed December 6, 2007 is dismissed. The application is being returned to the Examiner for further action as may be appropriate.

If there are any questions pertaining to this dismissal, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

tdl

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